

### **REMARKS**

The Applicant appreciates the thorough review of the Application by the Examiner and the indication of allowable subject matter. Allowance of all claims as amended is respectfully requested. By this Amendment, Claims 28, 89, 98, and 99 have been amended.

No new matter has been added by the amendment. No new issues are raised by the amendment. Claims 28, 89, 98, and 99 have been amended according to the Examiner's suggestions to overcome the 35 U.S.C. 112, second paragraph and double patenting rejections.

Claims 7, 9, 11 - 12, 15, 17, 19 - 52, and 60 - 110 remain pending in the application, including independent Claims 28, 89, 91, 95, 96, 98, and 99.

Although Applicant disagrees with the rejections set forth by the Examiner, terminal disclaimers have been filed solely in an effort to expedite prosecution. Applicants further note that the filing of a terminal disclaimer to obviate a rejection based on non-statutory double patenting is not an admission of the propriety of the rejection. Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d (BNA) 1932 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection."

Applicant believes that all claims are now in condition for allowance. Applicant invites the Examiner to call Applicant's Counsel at the number given in the signature block to resolve any remaining issues.

## **CONCLUSION**

Reconsideration and allowance of all claims are respectfully requested.

Respectfully,

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